

JAN 20 2009  
ROBERT H. SHERWELL, CLERK  
BY [Signature]  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

TOMMY FOSTER, JR.

CIVIL ACTION NO. 08-1587

VERSUS

JUDGE ROBERT G. JAMES

STATE OF LOUISIANA, ET AL.

MAG. JUDGE KAREN L. HAYES

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein [Doc. No. 5], noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law,

IT IS ORDERED that Tommy Foster, Jr.'s Civil Rights Complaint [Doc. No. 1] be construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Tommy Foster, Jr.'s petition for writ of habeas is DISMISSED WITHOUT PREJUDICE for failure to exhaust available state court remedies.

IT IS FURTHER ORDERED that Tommy Foster, Jr.'s motion for bond [Doc. No. 4] is DENIED AS MOOT.

MONROE, LOUISIANA, this 20 day of January, 2009.

[Signature]  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE